

# Supplemental Exhibit

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Owen Diaz-Confidential

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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

REPORTER CERTIFIED  
TRANSCRIPT

\_\_\_\_\_  
DEMETRIC DI-AZ, OWEN DIAZ and  
LAMAR PATTERSON, an individual,

**CONFIDENTIAL**

Plaintiffs,

Vs.

Case No. 3:17-cv-06748-WHO

TESLA, INC. DBA TESLA MOTORS,  
INC.; CitiStaff SOLUTIONS, INC.;  
WEST VALLEY STAFFING GROUP;  
CHARTWELL STAFFING SERVICES, INC.  
and DOES 1-10, inclusive,

Defendants.  
\_\_\_\_\_ /

CONFIDENTIAL

VIDEOTAPED DEPOSITION OF

OWEN DIAZ

SAN FRANCISCO, CALIFORNIA

TUESDAY, MAY 22, 2018

Reported By:  
Candy Newland  
CSR No. 14256  
File No. 18-25470



1 Deposition of OWEN DIAZ, taken on behalf of Defendants  
2 at 351 California Street, Suite 200, San Francisco,  
3 California, commencing at 10:11 a.m. on Tuesday, May 15,  
4 2018, before Candy Newland, Certified Shorthand Reporter  
5 No. 14256.

6  
7 A P P E A R A N C E S

8  
9 FOR THE PLAINTIFFS:

10  
11 CALIFORNIA CIVIL RIGHTS LAW GROUP

12 BY: LAWRENCE A. ORGAN, ESQ.

13 332 San Anselmo Avenue

14 San Anselmo, CA 94960

15 (415) 453-4740

16 larry@civilrightsca.com

17  
18 CALIFORNIA CIVIL RIGHTS LAW GROUP

19 BY: NAVRUZ AVLONI, ESQ.

20 332 San Anselmo Avenue

21 San Anselmo, CA 94960

22 (415) 453-4740

23 navruz@civilrightsca.com

1 APPEARANCES (CONTINUED)

2

3 FOR THE DEFENDANT TESLA:

4

5 CONSTANGY BROOKS, SMITH & PROPHETE, LLP

6 BY: BARBARA I. ANTONUCCI, ESQ.

7 351 California Street, Suite 200

8 San Francisco, CA 94104

9 (415) 918-3000

10 bantonucci@constangy.com

11

12 FOR THE DEFENDANT WEST VALLEY STAFFING:

13

14 PAHL & MCCAY

15 BY: FENN C. HORTON, III, ESQ.

16 225 West Santa Clara, Suite 1500

17 San Jose, CA 95113-1752

18 (408) 286-5100

19 fhorton@pahl-mccay.com

20

21 ALSO PRESENT:

22 Jaime Bodiford, Tesla

23 Rob Delantoni, Videographer

24

25



11:36:52	1	A.	No.
11:36:54	2	Q.	Was it less than 15?
11:37:01	3	A.	I can't give you an exact number.
11:37:05	4	Q.	Was it somewhere between 10 and 15?
11:37:09	5	A.	I can't give you an exact number.
11:37:11	6	Q.	Okay. I don't need an exact number. I just
11:37:14	7		need an estimate to the best of your recollection.
11:37:31	8	A.	I'd say other 30 times.
<u>11:37:41</u>	<u>9</u>	<u>Q.</u>	<u>And how many times did Ramon Martinez call you</u>
<u>11:37:44</u>	<u>10</u>		<u>the N-word?</u>
<u>11:37:45</u>	<u>11</u>	<u>A.</u>	<u>More than 30 times.</u>
11:37:55	12	Q.	Is there anything you can describe to me about
11:37:58	13		the 8 to 10 employees that called you that -- called you
11:38:01	14		the N-word?
11:38:08	15	A.	They were just working on the production floor,
11:38:12	16		the battery line.
11:38:16	17	Q.	All 8 to 10 were working on the battery line?
11:38:20	18	A.	Either production or the battery line.
11:38:40	19	Q.	Were any of them in recycling?
11:38:45	20	A.	Possible.
11:39:01	21	Q.	What race is Robert?
11:39:04	22	A.	Hispanic.
11:39:07	23	Q.	And what about Ramon?
11:39:09	24	A.	Hispanic also.
11:39:12	25	Q.	And what about the 8 to 10 employees?

12:53:24 1 BY MS. ANTONUCCI:

12:53:30 2 Q. Mr. Diaz, before we broke for lunch, we were  
12:53:33 3 discussing the times in which Ramon you claim called you  
12:53:39 4 the N-word, and you had indicated that there were more  
12:53:45 5 than 30 occasions. You had also indicated that there  
12:53:50 6 were three contexts you could remember. "I hate you N,  
12:53:56 7 Ns are not shit," and "Wish he could get all us Ns  
12:54:05 8 fired"; right?

12:54:05 9 A. Yes, ma'am.

12:54:06 10 Q. Are there any other contexts in which you can  
12:54:10 11 remember Ramon using the N-word?

12:54:13 12 A. Not that I can recall at this time.

12:54:16 13 Q. Okay. With respect to "Ns are not shit," where  
12:54:21 14 did Ramon say that to you?

12:54:29 15 A. I believe we were in the elevator.

12:54:40 16 Q. And were there any witnesses?

12:54:45 17 A. Rothaj Foster was there about that time.

12:54:53 18 Q. Who's that?

12:54:53 19 A. Rothaj Foster.

12:55:02 20 Q. And that's R-O-T-H-A [sic]?

12:55:05 21 A. I don't know the exact spelling.

12:55:08 22 Q. Okay. And is Rothaj Foster an African-American  
12:55:13 23 man?

12:55:13 24 A. Yes.

12:55:22 25 Q. Was anyone else there at the time that Ramon

01:51:43	1	A.	Him not returning to work on time.
01:51:48	2	Q.	Was anybody else present during this argument?
01:51:56	3	A.	Yes.
01:51:57	4	Q.	Who?
01:51:57	5	A.	Staff that was on the floor.
01:52:06	6	Q.	Do you know their names?
01:52:08	7	A.	No.
01:52:10	8	Q.	<u>At some point you were promoted to elevator</u>
01:52:35	9		<u>lead; is that right?</u>
01:52:36	10	A.	<u>Yes.</u>
01:52:37	11	Q.	<u>Do you know when that was?</u>
01:52:40	12	A.	<u>About a month after I started.</u>
01:52:53	13	Q.	<u>And how did your responsibilities change as an</u>
01:53:02	14		<u>elevator lead?</u>
01:53:09	15	A.	<u>Only difference was is now I was supervising</u>
01:53:13	16		<u>three to four guys.</u>
01:53:20	17	Q.	<u>And who were you supervising as an elevator</u>
01:53:23	18		<u>lead?</u>
01:53:25	19	A.	<u>One was Rothaj Foster, Lamar Patterson, and I</u>
01:53:38	20		<u>can't remember the other guys' names.</u>
01:53:41	21	Q.	How many other people were you supervising
01:53:44	22		besides Rothaj Foster and Lamar Patterson?
01:54:02	23	A.	In total or at one time?
01:54:05	24	Q.	In total.
01:54:06	25	A.	It was a high turnover job, so I would say about

1 I, CANDY NEWLAND, CSR No. 14256, certify that the  
2 foregoing proceedings were taken before me at the time  
3 and place herein set forth, at which time the witness  
4 was duly sworn, and that the transcript is a true record  
5 of the testimony so given.

6  
7 Witness review, correction, and signature was

8 (X) by Code.

(X) requested.

9 ( ) waived.

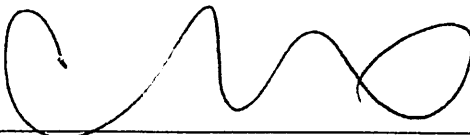
( ) not requested.

10 ( ) not handled by the deposition officer due to party  
11 stipulation.

12  
13 The dismantling, unsealing, or unbinding of the  
14 original transcript will render the reporter's  
15 certificate null and void.

16 I further certify that I am not financially  
17 interested in the action, and I am not a relative or  
18 employee of any attorney of the parties nor of any of  
19 the parties.

20 Dated this 29TH day of May, 2018.

21  
22  
23  
24 A handwritten signature in black ink, consisting of a series of loops and curves, positioned above a horizontal line.

25 CANDY NEWLAND, CSR 14256

# Supplemental Exhibit

## 2

## Message

**From:** Veronica Martinez [veronica.martinez@chartwellstaff.com]  
**Sent:** 1/22/2016 11:19:24 PM  
**To:** Wayne Jackson [/O=TESLA/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=Wayne Jackson899]  
**CC:** Garrett, Terri [tgarrett@nextsource.com]; Jackson, Wayne [wjackson@nextsource.com]; Jackelin Delgado [jackelin.delgado@chartwellstaff.com]; Jessy Meneses [jessy.meneses@chartwellstaff.com]  
**Subject:** RE: Racist effigy & drawing

Wayne,

I was able to speak with Ramon and he is on his way to my office so we can start an investigation. I have also notified my HR director of this situation as well. I will keep you updated.

Thanks  
 Veronica

---

**From:** Wayne Jackson [mailto:wjackson@teslamotors.com]  
**Sent:** Friday, January 22, 2016 11:26 AM  
**To:** Veronica Martinez <veronica.martinez@chartwellstaff.com>  
**Cc:** Garrett, Terri <tgarrett@nextsource.com>; Jackson, Wayne <wjackson@nextsource.com>  
**Subject:** FW: Racist effigy & drawing  
**Importance:** High

Hi Veronica this serious came up today. I believe Chartwell is his EOR. What is your policy with regards to discrimination. Please review the email below and get back with what your policy is so that I can address.

Wayne Jackson  
 Program Manager  
 1040 Avenue of the Americas, 24th Floor  
 New York, NY 10018  
 Mobile: (917) 797-9984  
[wjackson@teslamotors.com](mailto:wjackson@teslamotors.com)  
[wjackson@nextsource.com](mailto:wjackson@nextsource.com)



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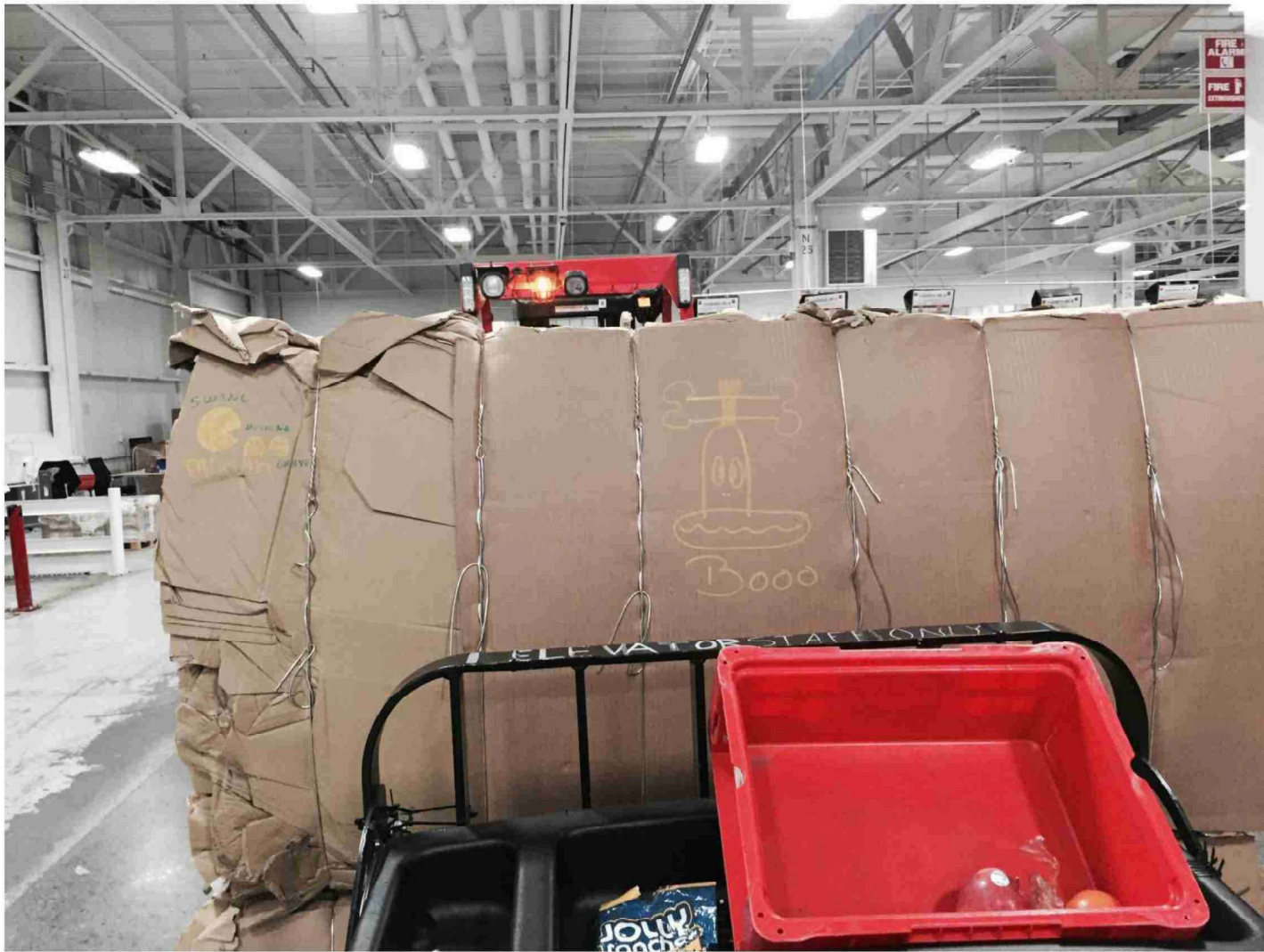
**From:** Owen Diaz [mailto:odiazjr68@gmail.com]  
**Sent:** Friday, January 22, 2016 8:46 AM  
**To:** Wayne Jackson <[wjackson@teslamotors.com](mailto:wjackson@teslamotors.com)>  
**Subject:** Fwd: Racist effigy & drawing

Begin forwarded message:

**From:** Owen Diaz <[odiazjr68@gmail.com](mailto:odiazjr68@gmail.com)>  
**Date:** January 22, 2016 at 8:42:10 AM PST  
**To:** "Mr. Romero" <[cdromcro@teslamotors.com](mailto:cdromcro@teslamotors.com)>  
**Subject:** Racist effigy & drawing

On 1/21/16 at 9:10 pm I was working elevator one, I was removing the recycling from the 2nd floor and taking said items to be staged on the first floor for removal. As I was removing those items I came upon the first cardboard bail of the night. As I pulled the pallet rider into position to pick up the bail I noticed a drawing on the bail. It was a picture of a cartoon depicting a black face person with a bone in his hair with the caption under it saying booo. Upon seeing this my stomach dropped and I wondered who could've done this in today's age. At that time I didn't know what to do, so I call Michael Wheeler and sent a text of the picture letting him know that someone on his team had sent this bail over to the elevator with this picture. Since Michael was the lead for the recycling team at that time. I would let him take point and get to the bottom of the problem. Michael said, he would be there in a few minutes. When Michael arrived he arrived with Israel. They both took pictures and all three of us went upstairs. I had to stop and deal with the elevator crew but Michael and Israel heading over to the upstairs recycling center. They came back a few minutes later with Ramon Martinez. While the three of us were standing there discussing what happened. Ramon Martinez said, he had drew the picture and he was just playing. As a supervisors or leads we are held to a higher standard because The people we supervise look to us as examples. If a supervisor does this kind of thing in front of the employees employees what kind of example are we setting. A person should be able to come to work and not be harassed or degraded while they're trying to do their job. This is not the first time Ramon Martinez has been talk about his behavior. And because nothing has been done, it seems that his behavior is getting worse. As an employee I'm entitled to a safe and harassment free work environment. And that all I ask and hope for.









Sent from my iPhone

# Supplemental Exhibit

## 3



Chartwell Staffing Solutions™

Alleged Harasser-Investigation Questions

Today's Date: 01/22/16

1. What are your thoughts on the allegation?

I understand tha what I draw it's  
was not ok but I never try to  
offend NO body.

2. Why would the alleged victim make such claims?

I dont know like I say want  
I draw it I never mean nothing  
bad.

3. Are there any notes, physical evidence or other documentation to refute the claim?

Yes a picture that I draw



4. Were there any other people present when the incident occurred?

Wen I draw NO body was around  
me

5. Do you know any other people with pertinent information?

Yes after Owen saw the picture  
Israel Zuniga and Michael Wheeler  
where with ~~us~~ us

For additional notes:

in our area at work we process cardboard  
and one of the coworker (Wenceslaa)  
he draw a picture of a Pac-man  
chasing two little ghosts. and ~~at~~ the  
Pac-man top he draw a swing shift  
name and in the two little ghosts he  
put morning and grave yard shift, because  
~~we~~ he was playing on the way and he's  
shift it is more organized and ~~as~~ I  
draw the carnival just to let him know  
that my shift (grave yard) can be better  
than his shift.

2

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and I wrong the word (bad) to ...  
 I never try to offend nobody with this  
 draw and went Israel show up to  
 the area where I was (Q22) and ask  
 me if I know who draw that on the  
 baile of cardboard I say it was me,  
 he told me that (Owen) was really  
 upsed about it the I say (wow) I never  
 thing that it can be that bad

so I went to see Owen and he was  
 walking with Mike (Whaler) (believe  
 to see me.

so I tell him Owen Im sorry I did  
 draw the picture and never mean nothing  
 bad I explain him all about it and  
 he tell me that white people use it  
 for other purposes, but he understood  
 that coming from me ~~it~~ it not be bad.  
 I replay please forget me and I apologize  
 to him again

he also mention to me that he was about to  
 send a e-mail to the office but because  
 it was me he understand that my meaning  
 on the picture that I draw wasn't bad  
 and he was or he delet the e-mail

Ramon Martinez

lu

time 4:30  
11/22/16

# Supplemental Exhibit

4

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**From:** Wayne Jackson [wajackson@teslamotors.com]  
**Sent:** 11/6/2015 6:21:02 PM  
**To:** mdeleon@citistaffsolutions.com  
**CC:** Parks, Vanessa [/O=OEXCH032/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=Vparks@NextSourcedc2]; Gryske, Deb [/O=OEXCH032/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=DGryske@NextSource7b3]  
**Subject:** Termination of Rothaj Foster

Monica we will have to terminate Rothaj Foster assignment effective immediately. Please see the email below.

Wayne Jackson  
1040 Avenue of the Americas, 24th Floor  
New York, NY 10018  
Mobile: (917) 797-9984  
[wajackson@teslamotors.com](mailto:wajackson@teslamotors.com)  
[www.nextsource.com](http://www.nextsource.com)



*Workforce Optimization, Business Enlightenment*

---

**From:** Edward Romero  
**Sent:** Friday, November 06, 2015 12:17 AM  
**To:** Wayne Jackson <wajackson@teslamotors.com>  
**Cc:** Victor Quintero <vquintero@teslamotors.com>; Jaime Salazar <jsalazar@teslamotors.com>  
**Subject:** FW: Rothaj Foster

Please see email below.

---

**From:** Edward Romero  
**Sent:** Friday, November 06, 2015 12:12 AM  
**To:** Wayne Jackson  
**Cc:** Victor Quintero; Jaime Salazar  
**Subject:** Rothaj Foster

I had Rothaj Foster removed from the Tesla premises last night at 10:00 pm. The reason is that he was conducting himself in a threatening manner against Owen Diaz.

I received a call from Rothaj Foster at 6:06 pm. He said that he had spoken to Wayne Jackson and that Wayne had told him he was going to move him to a recycling sorter position tonight. I explained to him that people are not moved around like that without us first getting a replacement. I encouraged him to be patient, do his job and everything would work out. I also reminded him that we were short on staff.

I received another call from Mr. Foster at 7:47 saying that Owen wouldn't let him take his break. He said that Owen had went to cover for Froilan break. I told him to be patient and Owen would cover for him when Froilan came back. I explained that when we only have three people on we might not be able to take our breaks as we want but when we can. I told him to be patient. I then got another call from from Mr. Foster around 9:00 insinuating that Owen was being mean. I called Owen to ask him what was happening and Owen said Rothaj was being difficult and threatening, saying "you better watch your car".  
I asked Owen if anyone had heard him say that, Owen said he didn't think so.

I then instructed Owen to assign Rothaj to elevator 2 as to avoid any friction between the two. When Owen approached Rothaj Foster to instruct him to go to elevator 2 he conducted himself in a threatening manner as if he wanted to fight



with Owen. He also made a comment about shooting Owen. I asked him if anyone had witnessed this, at which time a Tesla material handler came forward and said he had witnessed Mr. Foster's threatening conduct. I then returned to Tesla to investigate the matter.

I then returned to Tesla and met with Yordano Ramirez, material handler from the Reman Area. He gave me his written statement and explained what happen. He said he witnessed Rothaj Foster conduct himself in a threatening manner towards Owen. I then called security explained the situation and asked that he be removed from the premises. Security informed me that they had had problems with Mr. Fosters attitude in the past. They said I could included that information in my report. I asked for his badge, which he returned to me. I informed Mr. Foster that he was suspended while we evaluated what had happen. He asked if he could call someone. I told him he could call his agency if wanted to. He asked if he could call Wayne Jackson, I told him he was free to do so if he wanted to. He was then escorted out of the building and followed to his car which he had parked illegally in a handicapped parking spot.

I could not allow anyone to be a threat to any other employee. I do not recommend he be allowed to return.

# Supplemental Exhibit

## 5

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**From:** Garrett, Terri [/O=OEXCH032/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=TGARRETT@NEXTSOURCE58A]  
**Sent:** 11/6/2015 3:35:42 PM  
**To:** Wayne Jackson [wajackson@teslamotors.com]; Edward Romero [edromero@teslamotors.com]  
**CC:** Victor Quintero [vquintero@teslamotors.com]; Jaime Salazar [jsalazar@teslamotors.com]; Veronica Martinez [Veronica.Martinez@chartwellstaff.com]; Gryske, Deb [/O=OEXCH032/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=DGryske@NextSource7b3]  
**Subject:** RE: Rothaj Foster

Please ensure that we give Citistaff a heads up to cut his final check, thank you.

Terri Garrett  
Director of Operations  
nextSource

Office: (949) 329-2581  
Mobile: (562) 714-0552  
[tgarett@nextsource.com](mailto:tgarett@nextsource.com)  
[www.nextsource.com](http://www.nextsource.com)

---

**From:** Wayne Jackson [mailto:wajackson@teslamotors.com]  
**Sent:** Friday, November 06, 2015 7:32 AM  
**To:** Edward Romero <edromero@teslamotors.com>  
**Cc:** Victor Quintero <vquintero@teslamotors.com>; Jaime Salazar <jsalazar@teslamotors.com>; Garrett, Terri <tgarett@nextsource.com>; Veronica Martinez <Veronica.Martinez@chartwellstaff.com>; Gryske, Deb <DGryske@nextsource.com>  
**Subject:** RE: Rothaj Foster  
**Importance:** High

This will be addressed immediately. Mr. Foster's contract will be terminated immediately and he will not be allowed back onsite. This behavior is unacceptable and will not be tolerated.

I did contact Mr. Foster last night with regards to his accident as I needed information from him for the report. I instructed him that he would not be allowed to drive a forklift until he was recertified and that most likely he would be moved into a sorter role until he could get his recertification. I told him to check with his lead as to what he would be doing until he could get recertified. Mr. Foster said he would check with Owen as to what his duties would be for the night.

Wayne Jackson  
1040 Avenue of the Americas, 24th Floor  
New York, NY 10018  
Mobile: (917) 797-9984  
[wajackson@teslamotors.com](mailto:wajackson@teslamotors.com)  
[www.nextsource.com](http://www.nextsource.com)



*Workforce Optimization, Business Enlightenment*

**From:** Edward Romero

**Sent:** Friday, November 06, 2015 12:12 AM

**To:** Wayne Jackson <[wajackson@teslamotors.com](mailto:wajackson@teslamotors.com)>

**Cc:** Victor Quintero <[vquintero@teslamotors.com](mailto:vquintero@teslamotors.com)>; Jaime Salazar <[jsalazar@teslamotors.com](mailto:jsalazar@teslamotors.com)>

**Subject:** Rothaj Foster

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I could not allow anyone to be a threat to any other employee. I do not recommend he be allowed to return.

# Supplemental Exhibit

## 6

## Message

**From:** Andre' Lalljie [/O=TESLA/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=USER8D52A49B]  
**Sent:** 11/6/2015 3:55:00 PM  
**To:** Erin Marconi [/O=TESLA/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=Emarconi]  
**Subject:** FW: Rothaj Foster

FYI

**From:** Victor Quintero  
**Sent:** Friday, November 6, 2015 7:37 AM  
**To:** Edward Romero  
**Cc:** Jaime Salazar; Andre' Lalljie  
**Subject:** RE: Rothaj Foster

Good job Ed. You handled the issue appropriately. I agree the employee should not be allowed to return. The issue is in the hands of nextSource and let see how they respond.

Due to the constant problem with employee absences I believe maybe we need to hire a floater to allow for coverage. One floater for the day shift and one for the night shift. The floaters may be shared between two shifts. Let's discuss this further.

Thank you,

Victor Quintero

**From:** Edward Romero  
**Sent:** Friday, November 06, 2015 12:17 AM  
**To:** Wayne Jackson <[wajackson@teslamotors.com](mailto:wajackson@teslamotors.com)>  
**Cc:** Victor Quintero <[vquintero@teslamotors.com](mailto:vquintero@teslamotors.com)>; Jaime Salazar <[jsalazar@teslamotors.com](mailto:jsalazar@teslamotors.com)>  
**Subject:** FW: Rothaj Foster

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I could not allow anyone to be a threat to any other employee. I do not recommend he be allowed to return.



## Message

**From:** Edward Romero [/O=TESLA/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=EDWARD ROMEROE38]  
**Sent:** 11/6/2015 7:18:15 PM  
**To:** Erin Marconi [/O=TESLA/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=Emarconi]  
**Subject:** FW: Rothaj Foster

Please see email sent to Wayne Jackson at nextsource.

---

**From:** Edward Romero  
**Sent:** Friday, November 06, 2015 8:23 AM  
**To:** Victor Quintero <[vquintero@teslamotors.com](mailto:vquintero@teslamotors.com)>  
**Subject:** RE: Rothaj Foster

Thank you I agree.

Sent from my Verizon 4G LTE Smartphone

On Nov 6, 2015 7:36 AM, Victor Quintero <[vquintero@teslamotors.com](mailto:vquintero@teslamotors.com)> wrote:

Good job Ed. You handled the issue appropriately. I agree the employee should not be allowed to return. The issue is in the hands of nextSource and let see how they respond.

Due to the constant problem with employee absences I believe maybe we need to hire a floater to allow for coverage. One floater for the day shift and one for the night shift. The floaters may be shared between two shifts. Let's discuss this further.

Thank you,

Victor Quintero

---

**From:** Edward Romero  
**Sent:** Friday, November 06, 2015 12:17 AM  
**To:** Wayne Jackson <[wajackson@teslamotors.com](mailto:wajackson@teslamotors.com)>  
**Cc:** Victor Quintero <[vquintero@teslamotors.com](mailto:vquintero@teslamotors.com)>; Jaime Salazar <[jsalazar@teslamotors.com](mailto:jsalazar@teslamotors.com)>  
**Subject:** FW: Rothaj Foster

Please see email below.

---

**From:** Edward Romero  
**Sent:** Friday, November 06, 2015 12:12 AM  
**To:** Wayne Jackson  
**Cc:** Victor Quintero; Jaime Salazar  
**Subject:** Rothaj Foster

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**From:** Edward Romero [/O=TESLA/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=EDWARD ROMEROE38]  
**Sent:** 11/6/2015 7:18:49 PM  
**To:** Erin Marconi [/O=TESLA/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=Emarconi]  
**Subject:** Fwd: FW: Rothaj Foster

A copy of email sent to Wayne Jackson at nextsource.  
 Thankd

Sent from my Verizon 4G LTE Smartphone

----- Forwarded message -----

**From:** Edward Romero <edromero@teslamotors.com>  
**Date:** Nov 6, 2015 12:17 AM  
**Subject:** FW: Rothaj Foster  
**To:** Wayne Jackson <wajackson@teslamotors.com>  
**Cc:** Victor Quintero <vquintero@teslamotors.com>, Jaime Salazar <jsalazar@teslamotors.com>

Please see email below.

**From:** Edward Romero  
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**To:** Wayne Jackson  
**Cc:** Victor Quintero; Jaime Salazar  
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# Supplemental Exhibit

7



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**From:** Victor Quintero </O=TESLA/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=VICTOR QUINTERO3A3>  
**To:** Edward Romero  
**CC:** Jaime Salazar; Andre' Lalljie  
**Sent:** 11/6/2015 7:36:49 AM  
**Subject:** RE: Rothaj Foster

Good job Ed. You handled the issue appropriately. I agree the employee should not be allowed to return. The issue is in the hands of nextSource and let see how they respond.

Due to the constant problem with employee absences I believe maybe we need to hire a floater to allow for coverage. One floater for the day shift and one for the night shift. The floaters may be shared between two shifts. Let's discuss this further.

Thank you,

Victor Quintero

---

**From:** Edward Romero  
**Sent:** Friday, November 06, 2015 12:17 AM  
**To:** Wayne Jackson <wajackson@teslamotors.com>  
**Cc:** Victor Quintero <vquintero@teslamotors.com>; Jaime Salazar <jsalazar@teslamotors.com>  
**Subject:** FW: Rothaj Foster

Please see email below.

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**Sent:** Friday, November 06, 2015 12:12 AM  
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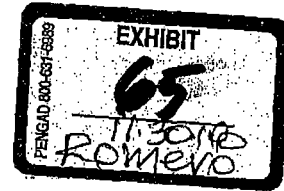
# Supplemental Exhibit

## 8

## Message

**From:** Edward Romero [/O=TESLA/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=EDWARD.ROMEROE38]  
**Sent:** 11/6/2015 7:18:15 PM  
**To:** Erin Marconi [/O=TESLA/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=Emarconi]  
**Subject:** FW: Rothaj Foster

Please see email sent to Wayne Jackson at nextsource.



**From:** Edward Romero  
**Sent:** Friday, November 06, 2015 8:23 AM  
**To:** Victor Quintero <vquintero@teslamotors.com>  
**Subject:** RE: Rothaj Foster

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Victor Quintero

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**To:** Wayne Jackson <wjackson@teslamotors.com>  
**Cc:** Victor Quintero <vquintero@teslamotors.com>; Jaime Salazar <jsalazar@teslamotors.com>  
**Subject:** FW: Rothaj Foster

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**Cc:** Victor Quintero, Jaime Salazar  
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# Supplemental Exhibit

9

**From:** Victor Quintero </O=TESLA/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=VICTOR QUINTERO3A3>  
**To:** Edward Romero  
**CC:** odiazjr68@gmail.com  
**Sent:** 10/24/2015 10:40:40 PM  
**Subject:** Re: Rothja Foster

Feel free to call one of the elevator workers from an alternate shift if needed.

Victor

Sent from my iPhone

> On Oct 24, 2015, at 8:13 PM, Edward Romero <edromero@teslamotors.com> wrote:

>

>

> Owen, I received a call from Rothjan about 30 minutes ago saying he was feeling sick and might go home. I again reminded him to communicate with you if he was going home. I asked him if he could make it if he was able take a brief break and see if he felt better. He said he would try. Either way i instructed him to communicate with you.

> That's when I called you. Please touch base with him. You say you feel you and Froilan can handle both elevators. Thanks for coordinating with Hilda to assist you with coverage of breaks/lunches.

> Thanks

>

> Sent from my Verizon 4G LTE Smartphone

# Supplemental Exhibit

## 10

Message

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**From:** Edward Romero [/O=TESLA/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=EDWARD ROMEROE38]  
**Sent:** 3/4/2016 4:02:56 AM  
**To:** Tyrone Hopper [/O=TESLA/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=Tyrone Hopperb3a]  
**CC:** Wayne Jackson [/O=TESLA/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=Wayne Jackson899]  
**BCC:** Victor Quintero [/O=TESLA/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=Victor Quintero3a3]  
**Subject:** Re: Safety Shoes

Hi Tyrone,

Didn't you inform him? I could talk to him but I think Nextsource should take the lead. I think you should talk to him as the safety person.

Thanks

Edward Romero

Sent from my Verizon 4G LTE Smartphone

On Mar 3, 2016 7:52 PM, Tyrone Hopper <[thopper@teslamotors.com](mailto:thopper@teslamotors.com)> wrote:

He need to be informed that he needs his safety shoes on his feet EVERY time he steps in the plant. I'll leave that to you , Sir

Sent from my iPhone

On Mar 3, 2016, at 7:42 PM, Edward Romero <[edromero@teslamotors.com](mailto:edromero@teslamotors.com)> wrote:

Hi Tyrone,

I think it's Chartwell. Vanessa and Wayne would know.

Edward Romero

Sent from my Verizon 4G LTE Smartphone

On Mar 3, 2016 7:39 PM, Tyrone Hopper <[thopper@teslamotors.com](mailto:thopper@teslamotors.com)> wrote:

Your guy Owen showed up tonight with no safety shoes. What agency does he work for?

Sent from my iPhone

# Supplemental Exhibit

11

Message

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**From:** Edward Romero [/O=TESLA/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=EDWARD ROMEROE38]  
**Sent:** 3/4/2016 4:26:04 AM  
**To:** Owen Diaz [/O=TESLA/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=Owen Diazc16]  
**CC:** Wayne Jackson [/O=TESLA/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=Wayne Jackson899]; Tyrone Hopper [/O=TESLA/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=Tyrone Hopperb3a]  
**BCC:** Victor Quintero [/O=TESLA/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=Victor Quintero3a3]  
**Subject:** Safety Shoes

Hello Owen,

I was informed by the Nextsource safety person that you reported to work today without your safety shoes. I think I understood that you had them in your vehicle. If so, please go get them asap. It is mandatory that safety gear (PPE) be worn at all times. Safety is a priority at Tesla. Please make sure you and your associates always wear PPE.

Thanks

Edward Romero

Sent from my Verizon 4G LTE Smartphone

# Supplemental Exhibit

## 12



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**From:** Victor Quintero </O=TESLA/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=VICTOR QUINTERO3A3>  
**To:** Edward Romero; Josue Torres  
**Sent:** 10/13/2015 7:23:28 AM  
**Subject:** FW: Forklift PPE

Fyi, vq

---

**From:** Joshua Chiquete  
**Sent:** Monday, October 12, 2015 7:25 PM  
**To:** Jaime Salazar <[jsalazar@teslamotors.com](mailto:jsalazar@teslamotors.com)>  
**Cc:** Victor Quintero <[yquintero@teslamotors.com](mailto:yquintero@teslamotors.com)>; Byron Pulu <[bpulu@teslamotors.com](mailto:bpulu@teslamotors.com)>  
**Subject:** Forklift PPE

Saturday October 10, I came in at 4am to see how grave yard operates the forklift. [REDACTED] Owen Diaz, [REDACTED] they were the ones I had to speak to for not wearing their proper PPE ( safety glasses ).

Sent from my iPhone

# Supplemental Exhibit

## 13

## Message

**From:** Edward Romero [/O=TESLA/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=EDWARD ROMEROE38]  
**Sent:** 5/29/2016 11:32:01 PM  
**To:** Victor Quintero [/O=TESLA/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=Victor Quintero3a3]  
**Subject:** RE: RE: LINE DOWN

Victor,

My night lead keeps trying to justify their actions to the conveyance group. I'm working with him to make the improvements. I keep telling him to just say: "I'll get you what you need right away".

At the same time I think Owen left a real bad impression that has carried over. So conveyance is just looking for any little thing to complain about.

With effort and guidance I am sure we'll change the mind set on both sides. I have already had one conversation with Joyce and her lead.

I'll keep you posted.

Thanks

Edward Romero

Sent from my Verizon 4G LTE Smartphone

On May 29, 2016 8:25 AM, Victor Quintero <vquintero@tesla.com> wrote:

Thank you for getting things back on track. What did our elevator guys say about this?

vq

**From:** Edward Romero  
**Sent:** Friday, May 27, 2016 10:04 PM  
**To:** Victor Quintero <vquintero@tesla.com>  
**Subject:** Fwd: RE: LINE DOWN

Hi Victor,

Hi Victor,

Just an FYI. I'll continue to investigate the issues raised by Joyce and her staff. There may be fault on both sides. I'll continue to find the best professional solution. My goal is to make it a win/win situation. The advantage I have is that there is enough respect on both sides. Tonight I got everything back on track. I'll keep you posted.

Thanks

Edward

Sent from my Verizon 4G LTE Smartphone

----- Forwarded message -----

**From:** Joyce Delagrande <jdelagrande@tesla.com>  
**Date:** May 27, 2016 7:45 PM  
**Subject:** RE: LINE DOWN

To: Roel Vergara <[rvergara@tesla.com](mailto:rvergara@tesla.com)>, Edward Romero <[edromero@tesla.com](mailto:edromero@tesla.com)>  
Cc: PWT-Materials <[PWT-Materials@tesla.com](mailto:PWT-Materials@tesla.com)>, Chris Freeman <[cfreeman@tesla.com](mailto:cfreeman@tesla.com)>, BIWFGI <[BIWFGI@tesla.com](mailto:BIWFGI@tesla.com)>, Samuel Ketchum <[sketchum@tesla.com](mailto:sketchum@tesla.com)>, BIW PC <[BIWPC@teslamotors.com](mailto:BIWPC@teslamotors.com)>, Shaun Vaimauga <[svaimauga@tesla.com](mailto:svaimauga@tesla.com)>, Richard Meldrum <[rmeldrum@tesla.com](mailto:rmeldrum@tesla.com)>

Thanks Edward! We really need the help tonight to keep the towables flowing as GA has picked up the pace and is not the bottleneck anymore.

Joyce DelaGrande

Production Control Supervisor-Powertrain

510-600-7448 Cell

Email : [jdelagrande@teslamotors.com](mailto:jdelagrande@teslamotors.com)

**TESLA** TESLA MOTORS

45500 Fremont Blvd., Fremont, CA. 94538

**From:** Roel Vergara

**Sent:** Friday, May 27, 2016 7:45 PM

**To:** Edward Romero <[edromero@tesla.com](mailto:edromero@tesla.com)>; Joyce Delagrande <[jdelagrande@tesla.com](mailto:jdelagrande@tesla.com)>

**Cc:** PWT-Materials <[PWT-Materials@tesla.com](mailto:PWT-Materials@tesla.com)>; Chris Freeman <[cfreeman@tesla.com](mailto:cfreeman@tesla.com)>; BIWFGI <[BIWFGI@tesla.com](mailto:BIWFGI@tesla.com)>; Samuel Ketchum <[sketchum@tesla.com](mailto:sketchum@tesla.com)>; BIW PC <[BIWPC@teslamotors.com](mailto:BIWPC@teslamotors.com)>; Shaun Vaimauga <[svaimauga@tesla.com](mailto:svaimauga@tesla.com)>; Richard Meldrum <[rmeldrum@tesla.com](mailto:rmeldrum@tesla.com)>

**Subject:** RE: LINE DOWN

Adding Shaun and Rick

---

**From:** Edward Romero

**Sent:** Friday, May 27, 2016 7:39 PM

**To:** Joyce Delagrande

**Cc:** Edward Romero; PWT-Materials; Chris Freeman; BIWFGI; Samuel Ketchum; BIW PC; Roel Vergara

**Subject:** RE: LINE DOWN

Hello Joyce,

I'm calling my guys now.

Thanks

Edward Romero

Building Services Contract

Sent from my Verizon 4G LTE Smartphone

On May 27, 2016 7:35 PM, Joyce Delagrande <[jdelagrande@tesla.com](mailto:jdelagrande@tesla.com)> wrote:

Edward,

Can you talk to the elevator team about this? We cannot have 15 staged downstairs like that...they need to be bringing them up more frequently.

Thank you!

Joyce DelaGrande

Production Control Supervisor-Powertrain

510-600-7448 Cell

Email : [jdelagrande@teslamotors.com](mailto:jdelagrande@teslamotors.com)

**TESLA** TESLA MOTORS

45500 Fremont Blvd., Fremont, CA. 94538

**From:** Chris Freeman

**Sent:** Friday, May 27, 2016 7:33 PM

**To:** Joyce Delagrande <[jdelagrande@tesla.com](mailto:jdelagrande@tesla.com)>; Roel Vergara <[rvergara@tesla.com](mailto:rvergara@tesla.com)>; PWT-Materials <[PWT-Materials@tesla.com](mailto:PWT-Materials@tesla.com)>; BIWFGI <[BIWFGI@tesla.com](mailto:BIWFGI@tesla.com)>; BIW PC <[BIWPC@teslamotors.com](mailto:BIWPC@teslamotors.com)>; Samuel Ketchum <[sketchum@tesla.com](mailto:sketchum@tesla.com)>

**Subject:** RE: LINE DOWN

Please get that get with your elevator crew to prevent this situation. There are 16 towables ready to go up, so please check with your elevator team to prevent a Line Down situation.

**Chris Freeman | Production Control Supervisor**

45500 Fremont Blvd | Fremont, CA 94538

C: (949) 940-6786 | E: [cfreeman@teslamotors.com](mailto:cfreeman@teslamotors.com)

**From:** Joyce Delagrande

**Sent:** Friday, May 27, 2016 7:26 PM

**To:** Roel Vergara <[rvergara@tesla.com](mailto:rvergara@tesla.com)>; PWT-Materials <[PWT-Materials@tesla.com](mailto:PWT-Materials@tesla.com)>; BIWFGI <[BIWFGI@tesla.com](mailto:BIWFGI@tesla.com)>; BIW PC <[BIWPC@teslamotors.com](mailto:BIWPC@teslamotors.com)>; Samuel Ketchum <[sketchum@tesla.com](mailto:sketchum@tesla.com)>; Chris Freeman <[cfreeman@tesla.com](mailto:cfreeman@tesla.com)>

**Subject:** RE: LINE DOWN

Chris and Sam can you assist

**Joyce DelaGrande**

Production Control Supervisor-Powertrain

510-600-7448 Cell

Email : [jdelagrande@teslamotors.com](mailto:jdelagrande@teslamotors.com)

**TESLA** TESLA MOTORS

45500 Fremont Blvd., Fremont, CA. 94538

**From:** Roel Vergara

**Sent:** Friday, May 27, 2016 7:22 PM

**To:** PWT-Materials <[PWT-Materials@tesla.com](mailto:PWT-Materials@tesla.com)>; BIWFGI <[BIWFGI@tesla.com](mailto:BIWFGI@tesla.com)>; BIW PC <[BIWPC@teslamotors.com](mailto:BIWPC@teslamotors.com)>

**Subject:** LINE DOWN

Team,

We are currently line down due to no towables, please assist  
Thank you.

**Roel Vergara | Tesla Motors**

Battery Pack Production Lead, Powertrain Manufacturing

45500 Fremont Boulevard | Fremont, CA 94538

C: 408.835.2561 | [rvergara@TeslaMotors.com](mailto:rvergara@TeslaMotors.com)

# Supplemental Exhibit

14

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**From:** Josue Torres </O=TESLA/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=JOSUE ELISEO TORRESC2B>  
**To:** Victor Quintero  
**Sent:** 7/3/2015 2:56:46 PM  
**Subject:** Re: Tesla Motors: Health & Safety Report - 13962

Victor,

I already did but they have not gotten back to me.

Josue

Sent from my iPhone

On Jul 3, 2015, at 1:48 PM, Victor Quintero <[vquintero@teslamotors.com](mailto:vquintero@teslamotors.com)> wrote:

Please report it to Facilities so they can fix it.

vq

---

**From:** Josue Torres  
**Sent:** Friday, July 03, 2015 1:05 PM  
**To:** Victor Quintero  
**Subject:** Re: Tesla Motors: Health & Safety Report - 13962

Yes, there was damage to the stand. See attached.



Sent from my iPhone

On Jul 3, 2015, at 12:38 PM, Victor Quintero <[vquintero@teslamotors.com](mailto:vquintero@teslamotors.com)> wrote:

Was there any damage to the stand or charger?

vq

**From:** no-reply  
**Sent:** Friday, July 03, 2015 10:43 AM  
**To:** Josue Torres; Victor Quintero; Josue Torres; IncidentReporting  
**Subject:** Tesla Motors: Health & Safety Report - 13962

Dear User,  
Incident Report has been created for OWEN DIAZ

Supervisor Name: Josue Torres, Phone: (323) 481-5697, Department: Admin

Type: Near Miss, Date Reported: 03-Jul-2015, Body Part Affected: None

Incident Category: No Injury but Damage to equipment or property , Date Of Incident: 03-Jul-2015  
Summary of Incident/Sequence of Events:

What occurred just prior to the incident: Owen was parking the forklift to charge by elevator 1



Describe the incident: Owen was parking the forklift at the forklift chargers. He thought he was going in reverse and accelerated and hit the forklift charger stand.

What directly caused the incident: The forks hit the metal forklift charge stand.

Response to Incident: Borys, the elevator lead, contacted the Lead, Josue Torres, to report the incident.

Referred to evaluation:

[Click Here To View Incident Details](#)

Thanks

Warp Health & Safety

Note: This is a System generated Email. Please do not reply.

# Supplemental Exhibit

## 15

**From:** Victor Quintero </O=TESLA/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=VICTOR QUINTERO3A3>  
**To:** Jesse Leite; Tamotsu Kawasaki  
**CC:** Jaime Salazar; Josue Torres; Borys Kalin; Edward Romero  
**Sent:** 9/16/2015 7:15:26 AM  
**Subject:** RE: Daily log binder

Owen Diaz is receiving lead pay therefore he should make every effort to perform lead duties regardless of whether he is covering for an elevator operator or not.

vq

-----Original Message-----

**From:** Jesse Leite  
**Sent:** Wednesday, September 16, 2015 6:08 AM  
**To:** Tamotsu Kawasaki <tkawasaki@teslamotors.com>  
**Cc:** Victor Quintero <vquintero@teslamotors.com>; Jaime Salazar <jsalazar@teslamotors.com>; Josue Torres <jotorres@teslamotors.com>; Borys Kalin <bkalin@teslamotors.com>  
**Subject:** Re: Daily log binder

Tom,  
 I communicated to Owen about the daily log binder but he said he isnt the lead right now so in the meantime if you can fill it out before you leave everyday until Owen is active lead again it would be much appreciated.

Thank You  
 Jesse Leite  
 Elevator Lead

> On Sep 16, 2015, at 5:55 AM, Jesse Leite <jleite@teslamotors.com> wrote:

>  
 > Tom,  
 > Im sure you already found it INSIDE the elevator but i dont ever see you by the time i leave and never see you when i come in so i think its best we have a designated spot for it so we dont have to search for each other everyday when we are trying to leave, thats why we have the binder to communicate with each other whats going on. Sound good??

>  
 > Jesse Leite

>> On Sep 15, 2015, at 9:04 PM, Tamotsu Kawasaki <tkawasaki@teslamotors.com> wrote:

>>  
 >> Where did you leave it at elevator 1 inside the elevator or somewhere outside the elevator? Can you please pass on log to employees next time so that we are aware of location at all times.

>>  
 >> Thank You  
 >> Tamotsu Kawasaki  
 >> Graveyard Supervisor Recycle

>>  
 >>  
 >> Sent from my iPhone

>>> On Sep 15, 2015, at 8:35 PM, Jesse Leite <jleite@teslamotors.com> wrote:

>>>  
 >>> Tom & Borys  
 >>> I left the white daily log binder at elevator 1 for you. If you can fill it out daily and leave it in the same spot so we will know exactly where it is at everyday. Thank you guys

>>>  
 >>> Jesse Leite  
 >>> Elevator Lead

# Supplemental Exhibit

## 16

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**From:** Joyce Delagrande </O=TESLA/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=JDELAGRANDE>  
**To:** Edward Romero  
**Sent:** 11/7/2015 6:20:17 AM  
**Subject:** RE: Meeting

Thank you! He apologized but there are clear signs out there that bikes are not allowed back here.

*Joyce DelaGrande*  
*Production Control Supervisor-South Dock*  
510-600-7448 Cell  
Email : [jdelagrande@teslamotors.com](mailto:jdelagrande@teslamotors.com)  
**TESLA** TESLA MOTORS  
45500 Fremont Blvd., Fremont, CA. 94538

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**From:** Edward Romero  
**Sent:** Saturday, November 07, 2015 6:16 AM  
**To:** Joyce Delagrande <[jdelagrande@teslamotors.com](mailto:jdelagrande@teslamotors.com)>  
**Subject:** RE: Meeting

Be assured I will take care of this.. Thanks

Sent from my Verizon 4G LTE Smartphone  
On Nov 7, 2015 6:13 AM, Joyce Delagrande <[jdelagrande@teslamotors.com](mailto:jdelagrande@teslamotors.com)> wrote:  
Edward,

I just caught Owen riding a bike in our warehouse. As a leader he needs to make sure he is following the rules as I am really struggling enforcing this rule in the warehouse with contractors. I do not know the names of everyone else that is coming through but I know who he is. This is from the direction of Josh Ensign and the safety team. Can you please go over this with your team? I cannot have bikes back here for any reason.

Thank you!

*Joyce DelaGrande*  
*Production Control Supervisor-South Dock*  
510-600-7448 Cell  
Email : [jdelagrande@teslamotors.com](mailto:jdelagrande@teslamotors.com)  
**TESLA** TESLA MOTORS  
45500 Fremont Blvd., Fremont, CA. 94538

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**From:** Edward Romero  
**Sent:** Thursday, November 05, 2015 7:41 PM  
**To:** Lehi Gomez <[L.Gomez@teslamotors.com](mailto:L.Gomez@teslamotors.com)>  
**Cc:** Joyce Delagrande <[jdelagrande@teslamotors.com](mailto:jdelagrande@teslamotors.com)>  
**Subject:** Meeting

Lehi,

It was a pleasure meeting you today. I look forward to maintaining very good communication your team with the goal of maintaining a good flow of product. I was happy to see that you were open to meeting periodically to see how things can improve overall. Thanks for offering to discuss the importance of training your New VRC guys with your day shift staff. It is greatly appreciated.

Again, thanks for the time and insight regarding material flow. I look forward to our next meeting.

Thanks

Sent from my Verizon 4G LTE Smartphone

# Supplemental Exhibit

## 17



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**From:** Victor Quintero </O=TESLA/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=VICTOR QUINTERO3A3>  
**To:** Edward Romero  
**Sent:** 11/9/2015 6:08:40 PM  
**Subject:** RE: Meeting

Ed, it was my understanding we were supposed to have a person dedicated to the drop zone area to help keep things clean and organized. We need to understand why this is not happening? Is it because we are short handed?

vq

---

**From:** Edward Romero  
**Sent:** Monday, November 09, 2015 4:40 PM  
**To:** Joyce Delagrande <jdelagrande@teslamotors.com>  
**Cc:** Victor Quintero <vquintero@teslamotors.com>  
**Subject:** RE: Meeting

Joyce,

Thank you for meeting with me and my elevator lead today. As per our discussion I will do everything possible to help all involved. As you can see there is a great need to standardize what is done on all shifts with everyone following a standard SOP. It is also vital that we assure that only trained and authorized staff be allowed into to the drop zone. I'm glad we were able to explain the challenges we face in dealing with so many departments with such varied tasks. I am willing to meet with everyone involved to discuss how we can organize things better and more efficiently.

Please let me know when we can all meet together.

Thanks

Sent from my Verizon 4G LTE Smartphone

On Nov 9, 2015 3:21 PM, Joyce Delagrande <jdelagrande@teslamotors.com> wrote:

Are you busy right now?

Sent via the Samsung GALAXY S®4, an AT&T 4G LTE smartphone

----- Original message -----

**From:** Edward Romero <edromero@teslamotors.com>  
**Date:** 11/09/2015 3:01 PM (GMT-08:00)  
**To:** Joyce Delagrande <jdelagrande@teslamotors.com>  
**Subject:** RE: Meeting

Hi Joyce,

Yes, I can meet with you tomorrow anytime before 11:00. Let me know what's convenient for you. Thanks

Sent from my Verizon 4G LTE Smartphone

On Nov 9, 2015 2:44 PM, Joyce Delagrande <jdelagrande@teslamotors.com> wrote:

Edward,

Can we meet tomorrow morning about the PWT DZ. I am shocked at how it is kept during the day shift and need help understanding how we can fix it.

Joyce DelaGrande  
Production Control Supervisor-South Dock  
510-600-7448 Cell  
Email : [jdelagrande@teslamotors.com](mailto:jdelagrande@teslamotors.com)  
**TESLA** TESLA MOTORS  
45500 Fremont Blvd.,Fremont, CA. 94538

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**From:** Edward Romero  
**Sent:** Saturday, November 07, 2015 6:16 AM  
**To:** Joyce Delagrande <[jdelagrande@teslamotors.com](mailto:jdelagrande@teslamotors.com)>  
**Subject:** RE: Meeting

Be assured I will take care of this.. Thanks

Sent from my Verizon 4G LTE Smartphone  
On Nov 7, 2015 6:13 AM, Joyce Delagrande <[jdelagrande@teslamotors.com](mailto:jdelagrande@teslamotors.com)> wrote:  
Edward,

I just caught Owen riding a bike in our warehouse. As a leader he needs to make sure he is following the rules as I am really struggling enforcing this rule in the warehouse with contractors. I do not know the names of everyone else that is coming through but I know who he is. This is from the direction of Josh Ensign and the safety team. Can you please go over this with your team? I cannot have bikes back here for any reason.

Thank you!

Joyce DelaGrande  
Production Control Supervisor-South Dock  
510-600-7448 Cell  
Email : [jdelagrande@teslamotors.com](mailto:jdelagrande@teslamotors.com)  
**TESLA** TESLA MOTORS  
45500 Fremont Blvd.,Fremont, CA. 94538

**From:** Edward Romero  
**Sent:** Thursday, November 05, 2015 7:41 PM  
**To:** Lehi Gomez <[L.Gomez@teslamotors.com](mailto:L.Gomez@teslamotors.com)>  
**Cc:** Joyce Delagrande <[jdelagrande@teslamotors.com](mailto:jdelagrande@teslamotors.com)>  
**Subject:** Meeting

Lehi,

It was a pleasure meeting you today. I look forward to maintaining very good communication your team with the goal of maintaining a good flow of product. I was happy to see that you were open to meeting periodically to see how things can improve overall. Thanks for offering to discuss the importance of training your New VRC guys with your day shift staff. It is greatly appreciated.

Again, thanks for the time and insight regarding material flow. I look forward to our next meeting.

Thanks

Sent from my Verizon 4G LTE Smartphone

# Supplemental Exhibit

## 18

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**From:** Victor Quintero </O=TESLA/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=VICTOR QUINTERO3A3>  
**To:** Edward Romero  
**Sent:** 2/19/2016 7:26:53 AM  
**Subject:** RE: Elevator team end of week

Thank you very much for coming in at the middle of the night to address the issue. You are definitely showing a lot of commitment and dedication.

Victor

---

**From:** Edward Romero  
**Sent:** Friday, February 19, 2016 4:24 AM  
**To:** Victor Quintero <vquintero@teslamotors.com>  
**Subject:** FW: Elevator team end of week

Hello Victor,

I came in at 2:00 am because I thought this was an urgent issue that must be dealt with. Besides the email interaction with Joyce, I came in to meet with her and here leads. I met them in the bull pen where she has her office. They aired their concerns and I asked a number of questions to assure they knew we are concerned and to assure I had a clear picture of what was happening.

I then met with Owen. I explained the concerns the production staff had and at first he tried to justify his and his groups activities. I explained the seriousness of the failure to respond with a sense of urgency, failure to keep the elevators manned at all times and his failure in wandering away from the elevators. I also emphasized his failure in adequately supervising his crew and not setting a good example to his staff.

I informed him that this would more than likely lead to a write up. I will meet with Wayne to explain the situation to him and have him prepare a write up. Owen says he will make corrections with his crew within one week. I explained that he must do everything possible to change the perception production has of him and his crew.

Thanks

ER

---

**From:** Edward Romero  
**Sent:** Friday, February 19, 2016 2:36 AM  
**To:** Joyce Delagrande  
**Cc:** Hugo Gallegos; Devin Williams; Robert Hurtado; Victor Quintero  
**Subject:** RE: Elevator team end of week

Joyce, I appreciate and value your input. Rest assured that I will deal with this issue quickly. I am here on site now and will meet with Owen. I would appreciate any input if your staff wants to email me with any concerns.

Please keep me informed of any new concerns that may come up over the weekend or in the future.

Thanks,

Edward Romero

---

**From:** Joyce Delagrande  
**Sent:** Friday, February 19, 2016 1:59 AM  
**To:** Edward Romero  
**Cc:** Hugo Gallegos; Devin Williams; Robert Hurtado  
**Subject:** RE: Elevator team end of week



Hi Edward,

Thank you for your fast response. I only came to you because you have been so helpful in the past. My understanding is that they have had issues with the end of the week staff for a while. Like I said Troy and Ruben seem to not have any issue taking care of the area and if they need help they are quick to ask for assistance but I don't feel it is ever because they are not working hard. I really brought it up because I had the same concerns downstairs with Own and his teams. They would always tell me it was because of what they were doing with the PWT material but if they are struggling up here too and the beginning of the week team does not then I think it may be the team. I personally brought these concerns to the team tonight. I spoke to Junior first and then went and asked Owen to go over and help him. Both times it required my leads to get involved, and at one point the supervisor from the battery pack area to help as well to get caught up. I really have issues when I find out Supervisors from other areas are having to jump in and help.

My understanding is that Junior always has an excuse as to why he does not get it done but I don't believe he is disrespectful. Owen just has no sense of urgency at all. He tells me what he thinks I want to hear but I struggle getting him to actually stay on task. I have watched him driving around on the tugger talking to my female associates when he should be at the elevators assisting his team.

Team,

Please add any feedback you have as it can only help Edward assist in providing the best service.

Joyce DelaGrande

Production Control Supervisor-Powertrain

510-600-7448 Cell

Email : [jdelagrande@teslamotors.com](mailto:jdelagrande@teslamotors.com)

**TESLA** TESLA MOTORS

45500 Fremont Blvd., Fremont, CA. 94538

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**From:** Edward Romero

**Sent:** Friday, February 19, 2016 1:48 AM

**To:** Joyce Delagrande <[jdelagrande@teslamotors.com](mailto:jdelagrande@teslamotors.com)>

**Cc:** Hugo Gallegos <[HGallegos@teslamotors.com](mailto:HGallegos@teslamotors.com)>; Devin Williams <[devwilliams@teslamotors.com](mailto:devwilliams@teslamotors.com)>;

Robert Hurtado <[rhurtado@teslamotors.com](mailto:rhurtado@teslamotors.com)>

**Subject:** Re: Elevator team end of week

Hi Joyce,

I am really concerned if you are not receiving the help and service required from any of the elevator operators. If you can provide me with enough details to identify how best to make any corrections and if necessary counsel where necessary.

Please provide me with any info that would help for example:

1. Are these concerns new or has this been going on for a while?
2. Has any of these concerns been brought up directly to these operators, if so, how have they responded?
3. How would your staff describe the issues.
4. Have any of the elevator staff been disrespectful in any way to your staff?
5. You mention that your leads can provide better feedback. Please have them email me asap if they can.

We want to provide you with the best service possible. I expect that all my staff be serious and professional at all times. We try very hard to instill in them a sense of urgency when it comes to delivery of production materials. I also want them to be respectful and provide good customer service at all times.

I appreciate your comments and input. Rest assured that we will look into this and make whatever corrections are required.

Thanks,

Edward Romero  
Building Services Contract Supervisor  
1-510-648-7393

Sent from my Verizon 4G LTE Smartphone  
On Feb 19, 2016 12:49 AM, Joyce Delagrande <[jdelagrande@teslamotors.com](mailto:jdelagrande@teslamotors.com)> wrote:  
Hi Edward,

I am so sorry I have not had a chance to meet up with you. I am just learning how PWT works and adjusting to the night shift but I promise I will come in early one day to meet with you.

I do need to bring up a concern that we are having and I know we have previously discussed issues downstairs with this team as well. I am adding my leads because they have more feedback they can share with you. The beginning of the week the team is awesome! Troy and I believe his name is Ruben are really helpful. They do a great job in making sure everything is taken care of and communicate to us if they need any assistance. The later part of the week we have Junior and Owen and sadly the same issues I had with them downstairs I have upstairs. We worked with our BIW team to ensure we had coverage for the new shift in battery pack to avoid issues with downtime and it seems to be the issues are more with the elevator team the end of the week. My leads and I have had to go run the packs, enclosure carts and other product up and down ourselves tonight to ensure the line stays running. They both seem to have no sense of urgency and it is taking away from the tasks I really do need my leads to be working on. Is there anything you can do to assist us?

Team,

Please make sure to let Edward know of any issues you are having or have had with this end of week crew so Edward can help us.

Thank you!

Joyce DelaGrande  
Production Control Supervisor-Powertrain  
510-600-7448 Cell  
Email : [jdelagrande@teslamotors.com](mailto:jdelagrande@teslamotors.com)  
**TESLA** TESLA MOTORS  
45500 Fremont Blvd.,Fremont, CA. 94538